

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

February 19, 2007

There were no minutes for this date.

February 20, 2007

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Cantil-Sakauye, Associate Justice; and Haskett, bailiff.

C050066 COUNTY OF AMADOR et al. v. IONE BAND OF MIWOK INDIANS

Cause called. Paul C. Workman argued for appellant. James R. Parrinello argued and Martha Jeanne Shaver, County Counsel, appeared only for respondents. Cause submitted.

At 10:08 a.m., the court recessed. At 10:14 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Morrison, Associate Justice.

C052028 McBURNEY v. ULTIMATE DEVELOPMENT, INC., et al.

Cause called. Jay-Allen Eisen argued for appellant. Claudia J. Robinson and Molly M. Ryan argued for respondents. Cause submitted.

At 10:44 a.m., the court recessed. At 10:49 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C050325 COUNTY OF SACRAMENTO v. GUIDERA and HAYDEN

Cause called. Robbin M. Coker argued for appellant. Aaron M. Hudson argued for respondent. Cause submitted.

At 11:09 a.m., the court recessed. At 11:15 a.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C050840 THE PEOPLE v. KRAUSE

Cause called. Steven S. Lubliner, court appointed counsel, argued for appellant. Marcia A. Fay, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:40 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

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The Minutes

February 20, 2007, continued

**C052554 BOARD OF CHIROPRACTIC EXAMINERS et al. v. THE SUPERIOR COURT
OF SACRAMENTO COUNTY and ARBUCKLE**

Cause called. Lyn Harlan, Deputy Attorney General, argued for petitioners. Gaspar R. Garcia, II argued for real party in interest. Cause submitted.

**C051707 THE PEOPLE ex rel. DAVID C. HENDERSON as District Attorney, etc. v.
BRODERICK BOYS and EDWARDS et al.**

Cause called. Ann Brick, ACLU, argued. Jory C. Steele appeared only for appellants. Jeff W. Resig, District Attorney, argued for respondent. Cause submitted.

At 3:20 p.m., the court recessed. At 3:31 p.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C050390 THE PEOPLE v. GOMEZ

Cause called. Meredith J. Watts, court appointed counsel, argued for appellant. Wanda Hill Rouzan, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:00 p.m., the court recessed. At 4:03 p.m., the court reconvened with Sims, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C049885 In re MARK B. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. LESLIE B. and WILSON and WOLFF**

**C050371 In re MARK B. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. LESLIE B. and WILSON and WOLFF**

Cause called. Julie Lynn Wolff argued and Lilly C. Frawley appeared only for appellant. Thadd A. Blizzard argued and Charles L. Post appeared only for respondent. Cause submitted.

At 4:43 p.m., the court recessed until 9:30 a.m., Wednesday, February 21, 2007.

C049234 THE PEOPLE v. MARTINEZ et al. (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Morrison, Acting P.J.

Hull, J.

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C052742 THE PEOPLE v. SANCHEZ (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.
 Morrison, J.

C053803 THE PEOPLE v. BOULT (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.
 Morrison, J.

February 21, 2007

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Nicholson, Associate Justice; Raye, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

C049577 SPINETTA v. COMPLETE WELDERS SUPPLY

Cause called. Ronda Cate Canby argued for appellant. Herbert M. Rowland, Jr. argued for respondent. Cause submitted.

C050718 RAMIREZ v. CALIFORNIA DEPARTMENT OF HEALTH SERVICES et al.

Cause called. Gaspar R. Garcia, II argued for appellant. Lyn Harlan, Deputy Attorney General, argued for respondents. Cause submitted.

At 10:36 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C051626 ROSEN-SHERMAN v. SHERMAN

Cause called. Matthew Purcell argued for appellant. There was no appearance by respondent. Cause submitted.

At 2:15 p.m., the court recessed until 9:30 a.m., Thursday, February 23, 2007.

C050693 THE PEOPLE v. BAKER (Not for Publication)

The conviction for receiving stolen property is reversed...

HULL, J.

We Concur: Scotland, P.J.
 Davis, J.

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February 21, 2007, continued

- C051356 THE PEOPLE v. JOHNSON (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Davis, J.
Nicholson, J.
- C051429 THE PEOPLE v. LARIOS (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Morrison, J.
Robie, J.
- C052880 THE PEOPLE v. LARKIN (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.
- C053045 THE PEOPLE v. MACIAS (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Raye, J.
- C050841 In re SELENA F. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. NANCY C. (Not for Publication)**
The order is affirmed.
BLEASE, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.
- C053333 In re E.Z.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. CYRNO L. et al. (Not for Publication)**
The order terminating the parental rights of appellants is affirmed.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Morrison, J.

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The Minutes

February 21, 2007, continued

C053522 In re NANCY G.; THE PEOPLE v. NANCY G.
(Not for Publication)

The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.

C052639 THE PEOPLE v. BARTH
BY THE COURT:

Pursuant to the written request of the appellant, the appeal filed on May 5, 2006, is dismissed. It is further ordered that the remittitur issue forthwith...
SCOTLAND, P.J.

February 22, 2007

C050811 CONCERNED MCCLOUD CITIZENS v. MCCLOUD COMMUNITY SERVICES DISTRICT et al. and NESTLE WATERS NORTH AMERICA, INC.
BY THE COURT:

Respondent's petition for rehearing is denied.
SCOTLAND, P.J.

C054684 JACKSON v. LODI UNIFIED SCHOOL DISTRICT
BY THE COURT:

The court examined the notice of appeal and determined that the order appealed from is nonappealable. Therefore, the appeal filed on January 16, 2007, is dismissed...
SCOTLAND, P.J.

C054714 PINEDA, JR. v. COCHRAN
BY THE COURT:

The court examined the notice of appeal and determined that the order appeared from is nonappealable. Therefore, the appeal filed on December 13, 2006, is dismissed.
HULL, Acting P.J.

C054765 BALLARD v. TUIMAVAVE
BY THE COURT:

The court examined the notice of appeal and determined that the order appealed from is nonappealable. Therefore, the appeal filed on January 24, 2007, is dismissed.
HULL, Acting P.J.

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February 22, 2007, continued

C054825 HAGGERTY v. COTTON

BY THE COURT:

The court examined the notice of appeal and determined that the order appealed from is nonappealable. Therefore, the appeal filed on January 18, 2007, is dismissed.

HULL, J.

February 23, 2007

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Robie, Associate Justice and Horner, bailiff.

C051844 BROWN v. FREEMAN et al.

Cause called. Thomas H. Keeling argued and Lee Roy Pierce appeared only for appellant. John D. Bandiera argued for respondent. Cause submitted.

At 10:04 a.m., the court recessed. At 10:09 a.m., the court reconvened with Sims, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C050014 THE PEOPLE v. MITCHELL

Cause called. Victor Blumenkrantz, court appointed counsel, argued for appellant. Peter Thompson, Deputy Attorney General, argued for respondent. Cause submitted.

C051574 CONCERNED CITIZENS OF WEST POINT et al. v WEST POINT FIRE PROTECTION DISTRICT et al.

Cause called. Bob Reeve argued for appellants. David E. Sirias, County Counsel, argued for respondents. Cause submitted.

At 10:51 a.m. the court recessed. At 10:56 a.m., the court reconvened with Raye, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C050813 GARLOCK SEALING TECHNOLOGIES v. NAK SEALING TECHNOLOGIES CORPORATION and SUNRISE TRADING COMPANY

Cause called. Scott S. Payzant argued for appellant. Ronald P. Oines argued for respondent Garlock Sealing Technologies. Thomas G. Redmon argued for respondent Sunrise Trading Company. Cause submitted.

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At 11:30 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Hull, Associate Justice.

C049803 FREY v. FOXX

Cause called. George E. Murphy argued for appellant. Jeffrey H. Ochrach argued for respondent. Cause submitted.

At 2:33 p.m., the court recessed. At 2:37 p.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C047502 THE PEOPLE v. ANDERSON
C048283 THE PEOPLE v. ANDERSON**

Cause called. Kat Kozik, court appointed counsel, argued for appellant. Brook A. Bennigson, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:20 p.m., the court recessed until 9:30 a.m., Monday, February 26, 2007.

C049554 THE PEOPLE v. DUARTE (Certified for Partial Publication)

The true finding on the weight enhancement associated with count one and the conviction on count twelve are reversed. In all other respects, the judgment of conviction is affirmed...

NICHOLSON, J.

I Concur: Sims, J.

I concur in the judgment and opinion except as to Part II fn the Discussion, as to which I dissent. I would reversed the judgment as to count 2, the use of a minor to transport cocaine...

BLEASE, Acting P.J.

C052106 CALDWELL v. MASUDA et al. (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Davis, J.

Raye, J.

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C048591 THE PEOPLE v. HARMON, JR. (Not for Publication)

BY THE COURT:

Appellant's motion to recall the remittitur is granted. The decision filed on September 25, 2006, is vacated and the appeal is reinstated. The Sacramento County trial court clerk is directed to forthwith return to this court the remittitur issued December 20, 2006...

SCOTLAND, P.J.

**C042493 SACRAMENTO POLICE OFFICERS ASSOCIATION v. CITY OF
SACRAMENTO et al.**

**C043377 SACRAMENTO POLICE OFFICERS ASSOCIATION v. CITY OF
SACRAMENTO et al.**

BY THE COURT:

Sacramento Police Officers Association's petition for rehearing is denied.

SCOTLAND, P.J.